

charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oertels 12-2 Ale Sparkling."

The article was alleged to be adulterated because a beverage containing less than 12½ percent of alcohol had been substituted for the article described on the label.

The article was alleged to be misbranded in that it was labeled "Oertels 12-2 Ale Sparkling" so as to deceive and mislead the purchaser, since analysis showed that it contained less than 5 percent of alcohol by weight.

On July 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26343. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 37805. Sample no. 45547-B.)

This case involved butter that was deficient in milk fat and short in weight.

On March 21, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of butter at Butte, Mont., alleging that the article had been transported in interstate commerce on or about February 18, 1936, by Newell J. Olsen, trucker, of Butte, Mont., from Rexburg, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Banquet Better Butter * * * Guaranteed by Nelson-Ricks Creamery Co. General Offices Salt Lake City, Utah One Pound Net When Packed."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "Butter" which was false and misleading as it contained less than 80 percent of milk fat; in that it was labeled "One Pound Net When Packed", which was false and misleading as the package contained less than that quantity; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On October 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26344. Adulteration and misbranding of apple cider vinegar. U. S. v. 23 Cases, et al., of Apple Cider Vinegar. Default decrees of condemnation and destruction. (F. & D. nos. 37815, 37829, 37830. Sample nos. 51547-B, 51557-B, 51558-B.)

These cases involved apple vinegar cider that was deficient in acid and contained excessive alcohol. A portion was short in volume.

On June 13 and July 2, 1936, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 135 cases of apple cider vinegar at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 5, May 11, May 13, May 21, and May 26, 1936, by Ridgeville Cider & Vinegar Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Apple Cider Vinegar Log Cabin made from apples only manufactured and guaranteed by Interstate Fruit Product Co., Home Office Baltimore, Maryland." The bottles were labeled further, variously: "Contents 12 Fl. Oz. Full Strength"; "1 Pint 8 Oz. Full Strength"; "Contents 1 pint. 8 Oz. Full W'G'T * * * Reduced to 4%"; "Contents 1 Quart Full Strength."

The article was alleged to be adulterated in that a substance deficient in acid and containing excessive alcohol had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for apple cider vinegar, which the article purported to be.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser: (All sizes) "Apple Cider Vinegar made from Apples Only"; (12-ounce size) "Full Strength"; (1½-pint size) "Contents 1 Pint 8

Ozs. * * * Full Strength", or "Contents 1 Pt. 8 Ozs. * * * Full W'G'T. Guaranteed * * * reduced to 4%." The article in the 1½-pint bottles was alleged further to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On August 27, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26345. Adulteration of yeast. U. S. v. 40 Cases, Each Containing 50 Bricks of Yeast. Default decree of destruction. (F. & D. no. 87818. Sample no. 68761-B.)

This case involved yeast that was moldy, dirty, and contaminated with wild yeasts.

On June 16, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases, each containing 50 bricks of yeast, at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 20, 1936, by Food Distributing, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "A1 Wt 52# * * * W. Meyers * * * Chicago, Illinois, * * * To Chas. Stodsky % U. S. Cold Storage, Kansas City, Missouri."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 21, 1936, no claimant having appeared and the court having found the said article adulterated, judgment was entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26346. Misbranding of dog and cat food. U. S. v. 80 Cases of Dog and Cat Food. Default decree of condemnation and destruction. (F. & D. no. 37826. Sample no. 50002-B.)

This product was represented to contain 9.55 percent of protein, 2.10 percent of fat, and not more than 0.63 percent of crude fiber. It contained less protein and fat and more crude fiber than so represented, a sample having been found to contain 6.50 percent of protein, 1.35 percent of fat, and 1.76 percent of crude fiber.

On or about June 23, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of dog and cat food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 27, 1936, by the Atlas Canning Co., Inc., from Glendale, Long Island, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Satin Quality Dog & Cat Food * * * Maryland Grocery Co. Baltimore, Md. Distributors."

The article was alleged to be misbranded in that the statements, "Protein 9.55 Min. Fat 2.10 Min. Crude Fibre 0.63 Max.", borne on the label, were false and misleading and tended to deceive and mislead the purchaser.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26347. Misbranding of preserves, jam, and marmalade. U. S. v. 100 Cases of Preserves, Jam, and Marmalade. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37827. Sample no. 71162-B.)

This case involved miscellaneous preserves, jam, and marmalade that were short in weight.

On July 2, 1936, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of miscellaneous preserves, jam, and marmalade, at Reno, Nev., alleging that the articles had been shipped in interstate commerce on or about April 30, 1936, by the Tea Garden Products Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Tea Garden Strawberry Preserves [etc.] Tea Garden Products Co., San Francisco, Portland, Seattle, Net Weight 2 Lbs. 3 Ozs."